

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

RYAN M. KIERZAK,

Petitioner,

CASE NO. 1:07-cv-1127

v

HON. JANET T. NEFF

KEN MCKEE,

Respondent.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt 2) filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the Opinion of the Court.

THEREFORE, IT IS ORDERED that:

Petitioner's habeas corpus petition is summarily **DISMISSED** pursuant to Rule 4 because it fails to raise a cognizable constitutional claim. Further, certificate of appealability is **DENIED**. *See Slack v. McDaniel*, 529 U.S. 473 (2000).

Dated: January 3, 2008

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge